

DIVORCE PACKET

COMANCHE NATION TRIBAL COURT DISTRICT COURT

The forms in this packet are to be used as a **template**, please re-type the forms and **do not** fill in the blanks. Please read the instructions carefully before completing the forms. The Court Clerks **CANNOT** accept documents that do not conform to the instructions in this packet.

You should refer to the Comanche Nation Tribal Court Codes prior to filing any petition or pleadings for a complete understanding of the rules and procedures governing your case. Should you need assistance in preparing any documents, you must consult with an attorney at your own expense. This court does not have legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerks **CANNOT** advise you on how to proceed or what forms may be necessary in specific situations.

INSTRUCTIONS FOR FILING
IMPORTANT INFORMATION PLEASE READ!!!

1. Documents must be typed DOUBLE-SPACED and on LETTER SIZE PAPER (8 ½” x 11”).
2. Documents must be signed in front of the Court Clerk or a notary public when you are ready to file.
3. Filing fees, copy fees, etc. must be made in the form of a CASHIER’S CHECK or MONEY ORDER and must be payable to “Comanche Nation Tribal Court”. Filing fees MUST be paid at the time of filing your petition. If you are unsure of the amount of the filing fees, contact the Court Clerk.
4. Submit original Documents and one (1) copy for each party to be served, and an additional copy if you want a copy of the document for your records. If the Court Clerk makes your copies, you will be charged a copy fee of \$0.50 PER PAGE.
5. Documents must have the FULL ADDRESS including street, city, state & zip of the parties to be served. Obtaining this information is **your** responsibility.
6. The forms are a guide to use in preparing the documents. DO NOT fill in the blanks and submit for filing. IT MUST BE RE-TYPED.
7. Petitions filed MUST have a copy of the relevant birth certificate and tribal enrollment card/CDIB and be submitted with the petition when filed. Obtaining these documents is YOUR responsibility.
8. Proof of Service of a Petition is MANDATORY for your case to proceed. Obtaining proof of service is **your** responsibility. If you request the Court Clerks to serve the documents on your behalf, service fees MUST be paid at the time of submitting Request of Service.

Court Clerks WILL NOT accept documents
that do not conform to these Instructions.

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LEGAL DEFINITIONS

- Affidavit: A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation.
- Answer: The response of an answering party to the plaintiff/petitioner's complaint/petition, denying in part or in whole the allegations made by the petitioner. A pleading by which an answering party endeavors to resist the petitioner's demand by an allegation of facts, either denying allegations of petitioner's complaint/petition or confessing them and alleging new matter in avoidance, which an answering party alleges should prevent recovery on the facts alleged by plaintiff/petitioner.
- Divorce: The legal separation of married persons, effected by the judgment or decree of a court, and either totally dissolving the marriage, or suspending its effects so far as concerns the cohabitation of the parties.
- Motion: An application made to a court or judge for purpose of obtaining a rule or order directing some act to be done in favor of the applicant.
- Notary: A public officer whose function it is to administer oaths; to attest and certify, by his hand and official seal, certain classes of document, in order to give them credit and authenticity.
- Notice: Information concerning a fact, actually communicated to a person by an authorized person, or actually derived by him from a proper source, and is regarding in law as "actual" when the person sought to be affected by it knows thereby of the existence of the particular fact in question.
- Petition: A formal written application to a court requesting judicial action on a certain matter. A recital of facts which give rise to a cause of action.
- Service: Signifies the delivering to or leaving them with the party to whom or with whom they ought to be delivered or left; and, when they are so delivered they are said then to have been served.

7. That _____ children have been born of this union, the names and dates of birth (and death, if deceased) are listed as follows: _____

_____.

8. That the Petitioner is not pregnant; OR pregnant and the birth of said child is expected on or about _____, and that the father of said child is _____.

9. That the Respondent is not pregnant; OR pregnant and the birth of said child is expected on or about _____, and that the father of said child is _____.

10. That the parties have not acquired any property that needs to be divided by the Court; OR have acquired certain property either by real estate and/or personal that needs to be divided by the Court (describe below or attach a list hereto): _____
_____.

11. That the parties have not acquired any debts that need to be addressed by the Court; OR have acquired debts that need to be divided by the Court (describe below or attach a list hereto);

_____.

12. That the Court should determine paternity, custody and child support arrangements in accordance with the Codes of the Comanche Nation.

13. That the parties were married on or about _____, in _____.

14. That no other divorce action has been filed by either the Petitioner or Respondent in any other state or tribal court as of this date; OR Another divorce action has been filed or is pending in _____ County, _____, and that said case number is _____;

15. That the Petitioner does not need a restraining order; OR Needs a restraining order because the Petitioner fears the Respondent may attempt to harm, harass and/or molest the Petitioner;

16. That as grounds for divorce, the Petitioner alleges _____ (irreconcilable differences, infidelity, or other legal grounds)

17. _____ I understand that I am responsible for serving copies of this Petition and
Initials all attachments on the other party because they are entitled to notice and opportunity to contest my Petition.

WHEREFORE, Petitioner prays for:

- A. A decree of divorce;
- B. A temporary order;
- C. A fair and equitable division of the property and indebtedness as set forth above; and
- D. Other equitable relief,

Respectfully submitted,

Petitioner

VERIFICATION

(Verification required if Petitioner is represented by legal counsel; Petition may be signed without verification by Petitioner appearing pro se.)

I verify that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, under penalty of perjury.

Counsel for the Petitioner

Subscribed and sworn to before me this _____ day of _____, 20____.

Court Clerk

SAMPLE

5. Respondent requests the following: _____

_____.

Respectfully submitted this ____ day of _____, 20__

Respondent

VERIFICATION

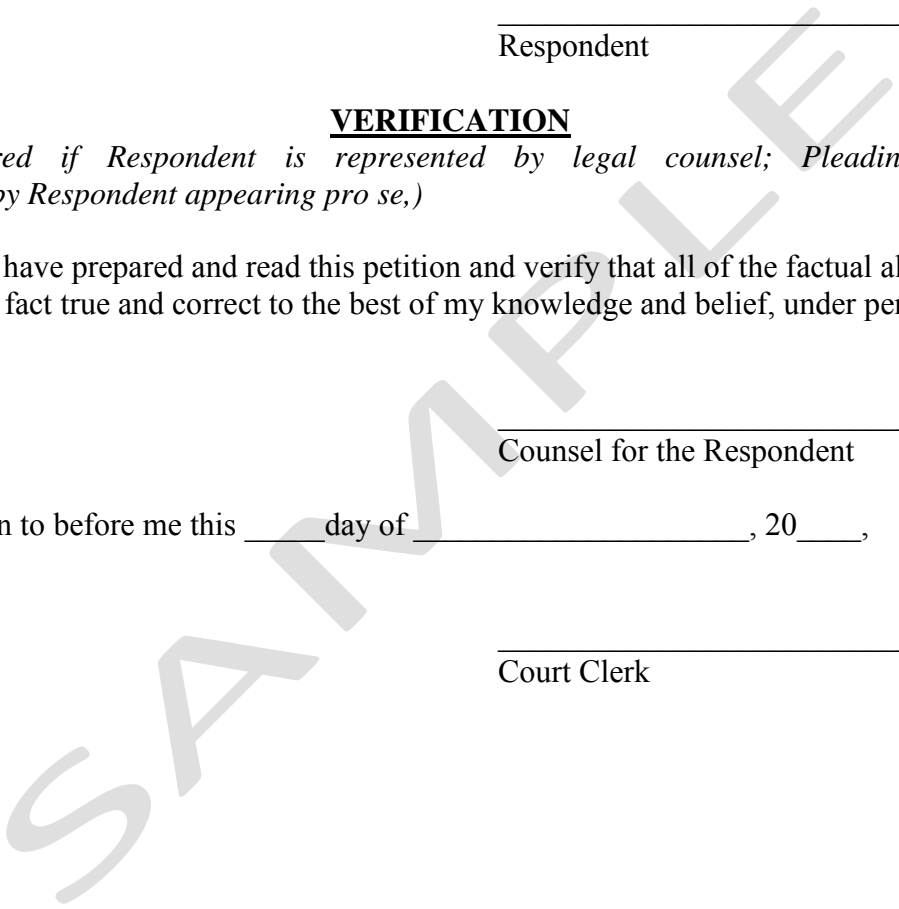
(Verification required if Respondent is represented by legal counsel; Pleading may be signed without verification by Respondent appearing pro se.)

I verify that I have prepared and read this petition and verify that all of the factual allegations contained in this Answer are in fact true and correct to the best of my knowledge and belief, under penalty of perjury.

Counsel for the Respondent

Subscribed and sworn to before me this ____ day of _____, 20__.

Court Clerk



State of Oklahoma;)
County of _____)

Before me, the undersigned Notary Public, came _____ this _____ day
Of _____, 20____ to me known to be the identical person who executed the above and
foregoing Entry of Appearance and Waiver, and personally acknowledged to me that he/she has read,
understood, and signed the same, and that he/she executed the same as his/her free and voluntary act and deed
for the uses and purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my signature and
official seal the date heretofore stated,

(SEAL)

NOTARY PUBLIC

My Commission Expires: _____

Subscribed and sworn to before me this _____ day of _____, 20____.

COURT CLERK

SAMPLE

STANDARD VISITATION SCHEDULE

Petitioner: _____
Respondent: _____
Case No.: _____

The non-custodial parent shall have visitation with the minor children of the parties as follow:

REGULAR VISITATION

Every other weekend from 6:00 p.m. Friday to 6:00 p.m. Sunday.

HOLIDAY VISITATION

In even number years (2010, etc.) the non-custodial parent shall have visitation according to the following schedule:

EASTER: 6 p.m. Friday preceding Easter until Easter Sunday at 10 p.m.
INDEPENDENCE DAY: Evening preceding July 4 until 10 p.m. on July 4.
THANKSGIVING: Wednesday preceding Thanksgiving until 10 p.m. Sunday.
CHILD'S BIRTHDAY: 8 a.m. on day of birthday until 6 p.m. on day of birthday

In odd numbered years (2011, etc.) the non-custodial parent shall have visitation according to the following schedule:

MEMORIAL DAY: 6 p.m. Friday preceding Memorial Day until 10 p.m. Monday
LABOR DAY: 6 p.m. Friday preceding Labor Day until 10 p.m. Monday
CHRISTMAS: 6 p.m. Christmas Day until 6 p.m. December 26

The holiday visitation schedule set out above is to be observed whether or not it coincides with the regular every other weekend visitation schedule and is in addition thereto. However, it is intended that the holidays alternate between custodial and non-custodial parents. Therefore, on those occasions when noncustodial shall not occur.

SPECIAL VISITATION

With respect to Father's Day and Mother's Day, if the father is the non-custodial parent, and if Father's Day falls on a weekend not regularly scheduled for parental visitation, he shall have visitation on Father's Day from 12 noon until 10 p.m. If Mother's Day falls within the weekend of father's visitation, he shall return the children} to the mother by 12 noon on Mother's Day. If the mother is the non-custodial parent, the reverse shall apply.

SUMMER VISTATION

The non-custodial parent shall have summer visitation for two 2-week periods from 8:00 a.m. June 15 until 6:00 p.m. June 30 and from 8:00 a.m. July 15 until 6:00 p.m. July 30th. The alternating weekend visits shall remain in effect.

This visitation is for the purpose of providing assured minimum amounts of visitation between non-custodial parent and child(ren). Visitation should exceed the number of occasions set out herein. In addition, liberal telephone communications between non-custodial parent and child(ren) are encouraged.

I acknowledge that I am responsible for keeping the Court and the other parties informed of any changes in my contact information and that my failure to do so may cause delays in my case.

I swear under penalty of perjury under the laws of the Comanche Nation that the foregoing is true and correct to the best of my knowledge.

Date : _____

Affiant's Signature: _____

SUBSCRIBED AND SWORN to before this _____ day of _____ 20__.

Notary Public in and for the State of Oklahoma
Or/Comanche Nation Court Clerk

My commission expires:

SAMPLE